

Who can answer our question about the "beautiful"? The vociferous arguer cannot explain it for he is never within sight of beauty. That is something you cannot debate. The literalist, and the liberalist alike stack their arms and take off their shoes on holy ground. Beauty is a realm where beyond angry devisive voices there is peace. One cannot climb to beauty on the rounds of a syllogism. Nobody with a trowel or test tube gets within celestial distance of it. A whole convention of scientists, measuring color rays and computing the dimensions of petals, could not disclose why one flower is beautiful. And so the question still haunts us—where can beauty be found and where is the place of its understanding? Botany says, "It is not in me"; geology and chemistry declare, "It is not in us"; astronomy signals that while there is "a part of the flaming Pleiades in every leaf that grows," "beauty is not in me." Certain it is that vast information, diagramed and cataloged, may but obscure the primary and intuitive impression and drown the thing which nature's voice is saying. It was in no technical perusal of some ponderous tome of botany that one found the message of the lines—

"O prophet flowers with lips of bloom,  
Out-vying in your beauty  
The pearly tints of ocean's shells,  
Ye teach me faith and duty.  
Walk life's dark ways, yet seem to say,  
With love's divine foreknowing,  
That when man sees but withered leaves  
God sees sweet blossoms growing."

So where then shall we look for beauty's secret? Shall we not say that beauty is always a reaching out for completeness? That is not a definition but surely it points us in the right direction. Perfect beauty is completeness—that is the quintessence of it. When the poet with deep insight speaks of seeing the invisible he declares that God's completeness may flow around our incompleteness. Again shall we say that beauty is completeness? Art is beauty in conception and expression; architecture is beauty in proportion; culture is beauty in mind and manner; grace is beauty in motion; eloquence is beauty in speech; and may we not add that a perfect tree, in perfect blossom, is the acme of beauty in nature.

You cannot beautify beauty. Any such attempt is defilement. "To gild refined gold, to paint the lily, to sprinkle perfume on the English violet, to add another hue unto the rainbow, or with taper light seek to garnish the beautiful eye of heaven, is wasteful and ridiculous excess." And so we cannot explain beauty—we can only surrender to it, for the "beautiful" is essentially the spiritual making itself known through the senses. When God would lead mortals to the beauty of holiness He so often makes a stairway to it by the holiness of beauty.

When at least in the fullness of time came the One of whom the flashing, flaming beauty of the ancient Temple spoke, when Aaron's rod budded and burst into beauty and blossomed in the One in whom met the hopes and fears of all the years, He unveiled the heart of the beautiful God and the world is still palpant with the surpassing splendor of that vision. One of the choicest personalities that I ever knew, now gone into the heavenlies, wrote this sentence: "There are sunsets that are sacraments, songs that set us dreaming, flowers that touch us with a wild, sad, joy; faces that are Gospel Epistles, but the one ineffable beauty of the world, the sublimest possession of humanity, is the vision of God in Christ."

That One who is holiest among the mighty, and mightiest among the holy, is the fairest among 10,000 because He is complete. His life is the only perfect jewel that ever found

its setting in our earthly sphere. From whatever angle we view it, and no matter what light is thrown upon it, there flashes back a gleam of beauty.

And so across the centuries the Christian Church has been broadcasting this word of beauty.

"Fair the meadows,  
Fairer still the woodlands,  
Robed in the blooming garb of spring;  
Jesus is fairer,  
Jesus is purer,  
Who makes the woeful heart to sing."

Mr. McCLELLAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 173 Leg.]

Alken	Hart	Monroney
Allott	Hayden	Morton
Bayh	Hickenlooper	Mundt
Bennett	Hill	Muskie
Bible	Hruska	Nelson
Boggs	Humphrey	Neuberger
Burdick	Inouye	Pastore
Cannon	Jackson	Pell
Carlson	Jordan, Idaho	Prouty
Case	Keating	Proxmire
Church	Kuchel	Ribicoff
Clark	Long, Mo.	Scott
Cooper	Long, La.	Simpson
Cotton	Mansfield	Smith
Curtis	McCarthy	Sparkman
Dirksen	McClellan	Symington
Dodd	McGee	Williams, N.J.
Dominick	McGovern	Williams, Del.
Douglas	McIntyre	Young, N. Dak.
Fong	Metcalf	Young, Ohio
Gruening	Miller	

The PRESIDING OFFICER. A quorum is present.

#### THE VIETNAMESE WAR

Mrs. SMITH. Mr. President, there is a genuine need—a desperate need—for the American people to be told the truth on the Vietnamese war. They are not getting the facts from their Government as they should.

Yet, some information does get through to the American people from non-Government sources. That information is neither encouraging, nor confidence inspiring. Nevertheless, it is good to get it. Eventually we must face up to the facts and to the realities of what is going on in Vietnam.

Today two revealing reports appeared in print. One was the report in the Washington Daily News of April 27, 1964, by Scripps-Howard war correspondent Jim G. Lucas, who is the nearest successor to the beloved Ernie Pyle, from his firsthand study in Vietnam. The other is an article in United States News and World Report, of May 4, 1964, which gives excerpts from letters written by an Air Force captain in Vietnam prior to his death in combat.

They are extremely disturbing reports on our policy and operations in Vietnam. I urge every Member of the Senate to study them carefully. Mr. President, I ask unanimous consent that this material be printed at this point in the Record.

There being no objection the material was ordered to be printed in the Record, as follows:

[From the Washington Daily News, Apr. 27, 1964]

COMMENT: WE'RE REALLY TRAINING OURSELVES IN VIETNAM—UNITED STATES FAILS TO GO ALL OUT FOR VIETNAM

(By Jim G. Lucas)

CAN THO, SOUTH VIETNAM, April 27.—One often-overlooked factor that contributes to the long-drawn-out, no-win war in South Vietnam is this:

The United States is—and has been for the past 8 years—using Vietnam as a sort of military test laboratory, an extension of Aberdeen Proving Grounds, Fort Benning, Fort Bragg, and all the others back home.

As one American major here told me: "We're really not trying so much to train these people to win their war; rather, we're training ourselves."

In that light it can be more easily understood why we've run 35,000 to 40,000 American military personnel through the mill here in 3 years—though we've never had more than 16,000 men here at any one time.

#### ONE YEAR

The normal assignment is for 1 year. It's damned unpleasant duty in a terrible climate. And practically no man, if he's on duty outside of Saigon, would want to stay longer.

But this doesn't help win the war. In fact, it slows it up.

Ambassador Henry Cabot Lodge, in a recent interview in Life magazine, made the point that U.S. advisers should be sent here for at least 2 years and preferably longer.

He's right—though I'll make no friends among U.S. servicemen in the field by saying so. And neither has the Ambassador.

But all this criticism back home of the South Vietnamese for appearing indifferent to whether they win the war needs a new examination in face of our own policy of seeming not to go all out for victory.

Especially so when it comes to committing our personnel to any needful lengthy periods.

#### TYPICAL

Take the case of a typical American adviser to a South Vietnamese battalion. He would be a captain.

Fresh out from the United States, our man needs 3 to 4 months to get acquainted, learn his job, scout the terrain, and establish an effective working arrangement with the commander of the Vietnamese unit.

Beginning the fourth month, if he's any good, he knows what he's about.

But—U.S. Army policy is to yank him out of the field after 6 months and give him a staff job, probably in Saigon.

That means he's had at most 2 months to do a cracking job with his unit in the field.

I know one Vietnamese battalion commander who said he had had—"put up with"—was his phrase—no less than 11 U.S. advisers in 2 years.

Each, of course, wanted to change something basic in the way the battalion was being run.

But our Army's policy is to keep shuffling the advisers along—evidently so that more Americans can get the guerrilla-warfare experience, and also because the Army says it feels sorry for the poor guys undergoing the jungle heat and all that.

Actually, I think three out of five of our battalion advisers—as pros eager to do their job—want to stay on longer in their field assignments. They feel they're just starting to prove themselves.

But the Army says they can't. It needs their slots to train more Americans how to advise Vietnamese battalions.

Maybe our Army is getting overinfused with a peacetime posture—or maybe it's the old question of whether we are in a real war or not.

A soldier's life is traditionally a hard one. Soldiers exist chiefly for one reason: To fight

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and win wars. Meanwhile, there are many fringe benefits in their contracts.

True, long family separations—when the national interest dictates—are also written into their contracts.

Most understand this. So do their wives. Some don't, however—especially when there's no formal war on.

Could it be that we are basing our personnel policies here in Vietnam on the clamor of this minority?

Somewhere along the line we've got to buckle down.

[From U.S. News & World Report]

A CAPTAIN'S LAST LETTERS FROM VIETNAM:  
"WE ARE LOSING, MORALE IS BAD . . . IF  
THEY'D GIVE US GOOD PLANES"

(This is an American pilot's own story of the role of U.S. troops in South Vietnam. They are far more than advisers to South Vietnam's armed forces. Americans are in the thick of a "hot war," a shooting war. And, often, they are fighting with obsolete weapons against a Communist enemy who is highly skilled and well armed. A vivid picture of the war, the elation and excitement, the frustration and bitterness, emerges from the pilot's letters home—a correspondence ended by his death in combat.)

(Air Force Capt. "Jerry" Shank is dead—a combat casualty of the war in Vietnam. While he lived and fought, Jerry Shank wrote to his wife and family in Indiana every chance he got—sometimes twice a day. Those letters make up a moving "battle diary" of a war in which more than 15,000 Americans are fighting and dying in combat against the Communists. Excerpts from his letters are presented here with the permission of his widow. All references, by name, to his Air Force companions have been eliminated to spare them any possible embarrassment.)

November 14, 1963: We're using equipment and bombs from World War II and it's not too reliable. This is an interesting place here. Everybody works together, officers and enlisted. We're out there lifting bombs and such. Every possible time, we give the men a chance to ride. On a test hop or something like that—it gives them a little motivation. We can't take them on missions, 'cause we have to have our VNAF [Vietnamese Air Force] student pilot along . . .

We 23 Air Force run the whole T-28 war in the Mekong Delta. This will give you some idea of Uncle Sam's part in the war.

November 22, 1963: Been real busy with the armament job—really makes a day go fast. Got all kinds of problems—can't get parts or books or charts describing the different bombs and systems. The Air Force hasn't used any of this equipment since Korea, and everybody seems to have lost the books. The main problem is personnel—no good officers or NCO's over here that really know their business. Most of them are out of SAC [Strategic Air Command] and have dealt only with nuclear weapons. This doesn't apply over here; what we need is someone from World War II. Some days it's like beating your head against a brick wall.

November 27, 1963: Sunday all hell broke loose with the VC (Communist Vietcong guerrillas). We had a big airborne operation against them—both choppers and parachutes. I woke up at 4:30 to fly my first night attack—darker than hell . . . By 9 o'clock in the morning, we had launched 12 sorties, which is a lot for our little operation. The Vietcongs got one chopper and one B-26 that day, but we (T-28's) hurt them bad. There is far more detail to this, but I don't want to put it in a letter.

I'm up to 20 missions now and am real confident in myself. I do good work. I feel

like a veteran and I feel like a different man. I think I am older.

I have changed my opinion about the VC. They are not ornery little fellows. They are mean, vicious, well-trained veterans. They are killers and are out to win. Although this is called a "dirty little war" and it is far from the shores of old United States of America, it's a big, mean war. We are getting beat. We are undermanned and undergunned. The United States may say they are in this, but they don't know we need help over here.

If the United States would really put combat people in here we could win and win fast. It seems to be the old story of a halfhearted effort.

December 4, 1963: I have debated for a week and a half now over telling you of Black Sunday—November 24, 1963. I'm going to tell you and, if you don't want to hear about these things again, well, say so. You do have a right to know.

This was not a typical day. We flew 20 sorties. But the VC hurt us bad. All in all that day, 23 airplanes were hit, one B-26 crew lost their lives, 3 choppers crashed. The VC won.

What they had done was pull into the little village and commit their usual atrocities, then pull out. But all they had were small arms and rifles on them. So headquarters thought they would teach this little group of VC's a lesson and sent this operation I spoke of in after them.

But the crafty little b----- withdrew from the town into foxholes and bunkers and hiding places they had been secretly building for a week. Also, they had many friends in there plus large antiaircraft guns and all sorts of machineguns. So when the first wave of troops went in, they thought it was just a routine chase of VC's. But they soon ran against the VC wall and we pilots soon discovered that they had more weapons than pistols and homemade guns. Shrewd plan—and they won.

We could have won but I could write a chapter on that. I hope you were able to follow that, Connie. A lot happened that day and it happened fast and furious. It's not a good thing to tell a wife, but she has to know—no one else will say it—no one else can or will, I guess. There are no heroes over here but there are a lot of fine men—America better not let us down. We can use help. We can win, but America must come over, for the Vietnamese will never back it alone. We've either got to get in all the way, or get out. If we get out the VC will be in Saigon the next day.

December 14, 1963: I do get a kick out of the Vietnamese people. They're poor, dirty, and unsanitary according to our standards, but they're happy and some are hard working.

December 16, 1963: The VC's [Communist guerrillas] sure gave them a rough time.

The VC are kind of a Mafia. They terrorize and then they sell "insurance" so that the people will not be harmed again. They strike especially villages where Americans have been seen. They terrorize these villages and then blame it on Americans by saying, "If Americans hadn't come to your village, we would not have plundered and killed, so if you don't want it to happen again, pay us money and don't let Americans into your village."

So you see, they gain from this. First of all, they get money or food; secondly, they instill a dislike for Americans—dirty b-----s. But I do like the Vietnamese I've met and talked to. They are friendly, happy, and childlike—good people.

December 21, 1963: We got a briefing today of the total result of that operation on November 24. I'll repeat it briefly.

The airpower got credit for 150 to 200 killed. No one can be sure of the amount,

for the VC carry off all their dead and wounded. They never let you know for sure how bad you hurt them.

Anyway, there were approximately 700 VC's dug in with three 50-caliber antiaircraft guns and three 30-caliber antiaircraft guns, plus many hundreds other machineguns. They were waiting for us, but we hurt them even though we lost. We lost because we had them trapped and they got away.

It's so mixed up over here—there are over 3,000 Air Force in Vietnam, yet there are only 50 combat crews (B-26 and T-28). What a ridiculous ratio. Also, the Army tried to show the Air Force is no good and vice versa. Ridiculous. Down at Soc Trang, Army and Air Force will die for each other, but up with the colonels and generals it's a big fight for power. And most of these idiots don't even have any idea of what it's like out in combat. . . . They're trying now to find out why we pick up so many hits. The dumb b-----s. We get hit more now because the VC have very fine weapons. There are Chinese over here now.

I think the next few months will tell. Either the VC will quit or this will turn into another Korea. I hope it doesn't take the United States too long to realize this.

December 22, 1963: Flew another mission today. We escorted three trains across no-man's land and then struck some VC's. Our F4D (the guy in the L-19 who tells us where to hit) received three hits, but we got them. I'm credited with destroying a 59-caliber antiaircraft gun. Bombed him him out of this world. I guess I'm a true killer. I have no sympathy and I'm good. I don't try to rationalize why I do it. No excuses. It's a target and I hit it with the best of my skill. It's a duel; only (I repeat) only the best man wins. You can't afford to be second.

December 30, 1963: Well, here goes. I got shot down yesterday. We were escorting a C-123 and I picked up three slugs in my airplane. One went into my fuel strainer and I lost all my fuel. I made it to a field called Pan Tho and landed safely. Me and the airplane are both okay, not a scratch except the three bullet holes. No sweat.

January 3, 1964: Down at Soc Trang, one of the airmen came up with the idea of putting chunks of charcoal in our napalm tanks. Napalm is a gasoline which is jelled into a mass about the consistency of honey. We carry two tanks of it, each weighing 500 pounds. When you drop it, it ignites and spreads fire about 200 to 300 feet. With charcoal in it, the charcoal is thrown about another 200 feet farther, like a burning baseball, and does further damage to VC houses. We've had it at Soc Trang and it works real well.

Tomorrow three birds are going out with one-half of their load of straight napalm and the other half with charcoal napalm (Madame Nhu cocktails). A photo ship is going along to take pictures. If higher headquarters thinks it's all right, then they'll buy us the charcoal. So far we've been buying it ourselves or else "borrowing" it from the kitchen.

January 7, 1964: Morale's at a big low over here, especially among the combat crews. It's the same old stuff we got in MATS. No consideration for the crew.

Lost two guys today. One was a pretty good friend of mine. The only guess is—the airplane just came apart. B-26—third or fourth that have done that now . . . Pretty bad day—just hard to find any good news to write. Can't even talk to anybody—nobody has anything to say. Just a blue day.

I don't know what the United States is doing. They tell you people we're just in a training situation and they try to run us as a training base. But we're at war. We



are doing the flying and fighting. We are losing. Morale is very bad.

We asked if we couldn't fly an American flag over here. The answer was "No." They say the VC will get pictures of it and make bad propaganda. Let them. Let them know America is in it.

If they'd only give us good American airplanes with the U.S. insignias on them and really tackle this war, we could possibly win. If we keep up like we are going, we will definitely lose. I'm not being pessimistic. It's so obvious. How our Government can lie to its own people—it's something you wouldn't think a democratic government could do. I wish I were a prominent citizen or knew someone who could bring this before the U.S. public. However, if it were brought before the average U.S. family, I'm sure all they'd do is shake their heads and say teh-tch and tune in another channel on the TV.

January 9, 1964: Had a good target today finally. Felt like I really dealt a blow to the VC. On my second bomb I got a secondary explosion. This means after my bomb exploded there was another explosion. It was either an ammo dump or a fuel-storage area. Made a huge burning fireball. You really can't tell when you roll in on a pass what is in the huts and trees you are aiming at. Just lucky today, but I paid them back for shooting me down.

January 15, 1964: Another B-26 went in yesterday. Nobody made it out. A couple of guys I knew pretty well "bought the farm."

One of the new guys busted up a 28 (T-28) also yesterday. He thought he had napalm on but he had bombs. So at 50 feet above the ground he dropped a bomb. It almost blew him out of the sky. But he limped back to Bien Hoa and crash landed. The airplane burned up, but he got out all right.

That news commentary you heard is absolutely correct—if we don't get in big, we will be pushed out. I am a little ashamed of my country. We can no longer save face over here, for we have no face to save.

We are more than ever fighting this war. The Vietnamese T-28's used to come down here to Soc Trang and fly missions. But lately, since we've been getting shot so much, they moved up north. I kid you not. First they didn't want to come to Soc Trang because their families couldn't come. Second, because they didn't get enough per diem [additional pay]. Third, because they didn't want to get shot at. There were a couple of more reasons, but I can't remember them. These are the people we're supposed to be helping. I don't understand it.

January 20, 1964: I have never been so lonely, unhappy, disappointed, frustrated in my whole life. None of these feelings are prevalent above the other. I guess I should say loneliness overshadows the others, but that's really not true.

I am over here to do the best job possible for my country—yet my country will do nothing for me or any of my buddies or even for itself. I love America. My country is the best, but it is soft and has no guts about it at all.

I'm sure nothing will be done over here until after the elections. Why? Because votes are more important than my life or any of my buddies' lives. What gets me the most is that they won't tell you people what we do over here. I'll bet you that anyone you talk to does not know that American pilots fight this war. We—me and my buddies—do everything. The Vietnamese "students" we have on board are airmen basics. The only reason they are on board is in case we crash there is one American "adviser" and one Vietnamese "student." They're stupid, ignorant sacrificial lambs, and I have no use for them. In fact, I have been tempted to whip them within an inch of

their life a few times. They're a menace to have on board.

January 26, 1964: I've done almost nothing all week. I needed the rest very badly. I actually think I was getting battle fatigue or whatever you call it. I've got 50 missions, almost all without any kind of a break, and it was telling on my nerves and temper. I feel real good today after all that sleep. I kinda hate to go to work tomorrow, for we start 2 weeks of combat again. But I'm rested for it now and am ready.

January 31, 1964: All you read in the paper is the poor leadership of the Vietnamese, but we are just as bad. Everyone over here seems to be unqualified for his job. Like me—I'm a multipilot, but I'm flying TAC fighters. We have no fighter pilots in our outfit. I'm not complaining, but, if the Air Force was serious, they would have sent over experienced fighter people. The same on up the line.

February 2, 1964: I'm getting to like Vietnam. Maybe I didn't say that right. I think it is a pretty country. These little villages in the delta are about as picturesque as you'll find. Tall palm trees, fields of rice, and all kinds of flowers. The people seem happy enough, if it wasn't for the terror of VC raids.

February 6, 1964: We scrambled after a fort under attack. We hit and hit good, but it got dark so we headed up here for Bien Hoa. Pretty hot target and we both were hit. Coming in here to Bien Hoa they warned us that VC were shooting at airplanes on final approach. Well, we made a tight, fast approach and held our lights (it was pitch black) until almost over the end of the runway. I forgot my landing gear and went skidding in a shower of sparks down the runway. Airplane's not hurt too bad. I'm not even scratched. My pride is terribly wounded. That was my 62d mission. I thought I had it "wired" after that much combat experience. Then I go and goof so badly.

February 17, 1964: All B-26's are grounded, so we are the only strike force left.

A B-26 crashed at Hurlburt last week. Another came with the wing just coming off. Finally, the Air Force is worried about the airplanes—finally, after six of my friends have "augered in."

February 21, 1964: Tuesday evening — got shot down. He fell in his airplane next to a Special Forces camp and got out without a scratch. The airplane burned completely up, though. [Another airman] was going in on his seventh strafing pass and never came out of it. Don't know what happened—whether he got shot or his controls shot out. That was two airplanes in two days. Kind of shook us up.

Not only that, the B-26's have been grounded since Monday because the wings came off one again at Hurlburt. So after the last crash the whole USAF fighter force is down to six airplanes. This should set an example of how much Uncle Sam cares. Six airplanes. Might as well be none.

Rumor now is that B-26's will fly again only with greater restrictions. \* \* \* I'm pretty well fed up. Poor B-26 jocks are really shook. That airplane is a killer.

February 24, 1964: We're down to five airplanes now, all of them at Soc Trang. We have actually got nine total, but four are out of commission because of damage. The B-26's aren't flying yet, but they've been more or less released. I don't know what the United States is going to do, but whatever it is I'm sure it's wrong. Five airplanes can fight the war—that's just ridiculous. Tell this to my dad. Let him know, too, how much the country is letting everyone down. We fight and we die but no one cares. They've lied to my country about us.

February 29, 1964:

We've got a new general in command now and he really sounds good. Sounds like a

man who is out to fight and win. He's grounded the B-26's except for a few flights. But they have to level bomb, not dive bomb—no strain for the aircraft that way. He has ordered B-57's (bombers—jets) to replace them, and has asked for immediate delivery. He has also demanded they replace the T-28's with the AD-6. The AD-6 is a much more powerful single-engine dive bomber. It was designed for this type of work and has armor plating. We are pretty excited about all the new airplanes. We can really do good work with that kind of equipment.

March 13, 1964: McNamara, Secretary of Defense, was here, spent his usual line, and has gone back home to run the war with his screwed-up bunch of people. We call them "McNamara's band." I hope and pray that somehow this man does something right pretty soon.

Just one thing right will help immensely. He did send a representative over here. All he did was make the troops sore.

One of our complaints was that we can't understand the air controller, so he suggested that we learn Vietnamese. We said we didn't have that much time, so he suggested we stay here for 2 years. A brilliant man. He's lucky to be alive. Some of the guys honestly had to be held back from beating this idiot up. This man McNamara and his whole idiot band will cause me not to vote for Johnson no matter how much I like his policies.

McNamara is actually second in power to Johnson. But, as a military man, he finishes a definite and decided last—all the way last.

Rumors are fast and furious. Nothing yet on B-57's. Rumors that B-26's are all rigged up with extra fuel tanks for long overwater flights. B-26 should never fly again, even if rejuvenated. Also, a rumor that B-26 pilots will get instruction in the A-1H—another single-engine dive bomber. All is still in the air—all rumors.

March 22, 1964: Been flying pretty heavy again. We've only got 20 pilots now and 11 airplanes. It keeps us pretty busy. Also, got 2 more airplanes they're putting together in Saigon, so we'll soon be back up to 13 airplanes again. Hope these last for a while.

(That was Captain Shank's last letter. He was killed in combat 2 days later. Edwin Gerald Shank, Jr., was born June 21, 1936, in the small farming community of Winamac, Ind., where he grew up. He studied architecture at Notre Dame University and graduated in 1959 with a bachelor of science degree.

(At the university he entered the Reserve Officers Training Corps, received his commission, and was called into active military service in the Air Force in August 1959. He liked the life of a military pilot and planned to make the Air Force his career. He was assigned to South Vietnam as pilot of a T-28 attack plane on October 15, 1963.

(Captain Shank was married to a hometown girl. They had a son and three daughters. He never saw his baby daughter, who is now 2 months old. He was killed while flying an airstrike mission against the Communists on March 24, 1964. He was 27 years old.)

#### CONGRESS ON TRIAL

Mr. CLARK. Mr. President, on Friday, April 24, the junior Senator from New York [Mr. KEATING] made a most stimulating address at the Ferris Booth Hall on the Columbia University Campus in New York City to the student body of Columbia University. The address was entitled "Congress on Trial." I commend it to Senators. I ask unanimous consent that the speech may be printed at this point in my remarks.

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There being no objection, the speech was ordered to be printed in the RECORD, as follows:

#### CONGRESS ON TRIAL

My remarks today will deal mainly with what might be broadly termed the procedures of Congress.

Rarely do we give the same attention to the way things are done as to the substantive issues with which we are dealing. The newspapers may be filled with reports, for example, on the President's legislative program, but precious little space will be devoted to weeks of debate on amendments to the House and Senate rules.

The procedural problems of Congress do not have the obvious glamour of an appeal for unconditional war against poverty. There is nothing sensational about how Congress disposes of its workload or regulates its debates.

Nevertheless, the manner in which Congress carries out its responsibilities may have a tremendous impact on the whole future of our Nation.

In any system of representative government, fair procedures are of vital importance. The best conceived programs will amount to nothing if their consideration can be thwarted by arbitrary rules or parliamentary devices. In the final analysis, procedural questions may determine not only the success or failure of any program, but the confidence of the body politic in the very institutions of government.

In my judgment, Congress is on trial. Public confidence in the legislative branch is at a low point because Congress has failed dismally to keep its own house in order. Its present methods of operations are tailor made for obstruction, delay, inefficiency, and minority control. Congressional reform is essential if Congress is to fulfill the crucial role in our system envisioned by the Founding Fathers.

The indictment against Congress can be supported by a bill of particulars showing the steady decline in its status and influence.

Its most significant power has become the power to negate the proposals of others. The Constitution vested the veto power in the President, but in contemporary practice it is more often the executive branch that initiates and the Congress that vetoes legislative proposals. As a consequence almost all the initiative in determining national policy has shifted decisively to the executive department and to some extent to the Supreme Court. Rarely is general legislation affecting the welfare of the Nation forged and developed in the first instance by the representatives of the people.

It might be thought that a Congress of such negative character would be marked by inactivity, but in fact Congress gets busier and busier and the sessions get longer and longer every year. This hum of activity, however, is a poor guide to the competence and effectiveness of the legislative branch. Indeed, the long sessions of Congress in some ways are an indication of its failings.

Congress appears to be bent upon proving the maxim set forth in the Federalist Papers that the smaller the power of an institution "the more safely may its duration be protracted."

In the fact of the most serious domestic and international problems, Congress dawdles and fiddles, frittering away weeks and months of precious time without any decisive action. It has achieved some of its greatest records of nonaccomplishment in some of its longest sessions, including last year's session which did not adjourn until the end of December.

Months of valuable time was wasted in petty bickering over who should preside at meetings of House and Senate conference committees on appropriations. When this

monumental dispute was resolved, an argument arose as to whether the conference committee should meet in the House or Senate wing of the Capitol. Finally, after agreement was reached on these important questions, billions of dollars were appropriated in a matter of days with only brief debate in both bodies.

Occasionally there are weekend meetings of the Congress and all night sessions, but little can be accomplished even under this rigorous schedule when it is possible for an entire day to be spent on quorum calls. On one occasion during which I was personally present, the Senate met at 10 a.m. and did not recess until 8:31 that evening. The longest speech of the day was the Chaplain's prayer. For 10 hours and 11 minutes on that day, the Senate of the United States devoted its entire effort to mustering and maintaining a quorum of its Members. Why? So that at the end of the day it could recess rather than adjourn to its next meeting.

On another occasion, one member of a congressional committee was permitted to question the Attorney General on one bill during eight successive meetings of the committee stretching over a period of months. If every member of the committee had assumed the same prerogative under the same schedule, it would have taken 2 years for the committee to have completed its questioning of this one witness. By that time Congress would have expired and the process would have to be started all over again when the new Congress convened.

The Congress of the United States is the only legislative body in the world which enshrines the filibuster in a formal rule, allows one member to completely hamstring the meetings of its committees, and has no rule on the germaneness of amendments to general legislation.

Under the Constitution a majority of each House of Congress is authorized to determine the rules of its proceedings. In actual fact, a majority of the Congress can be victimized at will by the dilatory tactics of a determined minority. In the words of President Wilson, a profound student of government, "Its majority is powerless, helpless. In the midst of a crisis of extraordinary peril, when only definite and decisive action can make the Nation safe or shielded from war itself by the aggression of others, action is impossible."

Delay is only one of the frustrations and shortcomings in congressional operations—only one of the weapons by which a minority is able to exercise control over the actions of a majority.

The whole committee system has been distorted by the seniority rule and the immense powers of the committee chairmen. Ideally each committee should function as the eyes and ears of the House it serves on the matters within its jurisdiction. In practice, however, the committees have served not as the agents of Congress, but as agents of the committee chairmen. Legislation which an overwhelming majority of the Congress would favor has been buried in committee. Reports which an overwhelming majority of the Congress would reject have been issued as official documents of the House and Senate. The committees in these instances become sounding boards for a small clique which may represent no interest but its own, and which makes no effort to reflect the views of a congressional majority.

The House Rules Committee is that body's counterpart of the Senate filibuster for frustrating action by a majority. It was designed to perform the functions of a traffic cop in scheduling legislation, but instead has become a notorious stumbling block to action even on measures approved by both the House and Senate. The enlargement of its membership was hailed as a great reform, but the increase in its size did not affect its powers and it continues to bottle

up or delay measures which would win easy approval and in some cases have won approval of a majority of Members of Congress.

The indictment of Congress must consider another aspect of its operations—the unfairness with which it deals with the people. The people are entitled to fair treatment in their dealings with the Government, whether they are witnesses before congressional committees or witnesses in our courts or in executive agency proceedings. Yet practices are condoned in congressional committee hearings which members would be the first to condemn in the operations of the other branches of Government. It isn't only the witnesses who suffer from this double standard, since time and again important committee hearings and reports are discredited by attacks against committee procedures.

The double standard applies even more forcefully to the action of Congress on conflict of interest legislation—action which has exempted Congress from the high standards of conduct it has imposed by law on the employees of the executive branch. Nothing weakens confidence in Government as much as the appearance of favoritism, inside dealings, and the use of public office for personal advancement. Congress has an equal, if not a special obligation to maintain the highest standards of ethics in the conduct of both its members and its staffs. The legislative process has been described as the "heartbeat of democracy," and if the heart of our political system is afflicted, the whole body politic can be suffocated and destroyed.

These are some of the problems Congress faces. Let us consider now the goals of congressional reform.

Some of the most vigorous proponents of congressional reform suggest that the goal of reform is a Congress more responsive to the desires of the President.

This is a serious mistake.

From a practical point of view, it increases the difficulties of obtaining the bipartisan support without which reform cannot succeed.

More fundamentally, it suggests that the secondary role of Congress is our tripartite system of government be confirmed rather than changed.

Under this scheme, Congress would remain an essentially negative institution not in the sense that it would obstruct the programs of the Chief Executive but in the sense that it would rarely provide leadership and initiative in meeting the Nation's problems.

There is no likelihood of self-reform on this premise. A vast majority of Members would join against any effort to promote a rubberstamp Congress.

The most persuasive basis for reform is the need to strengthen the position of Congress as an independent branch of the National Government. This is not inconsistent with recognition of an enlargement of executive power to deal with the global challenges facing our Nation. But it rejects any notion that an increase in executive power must be drawn from the residue of a declining Congress.

A strong and independent Congress which reflects the Nation's will does not weaken but fortifies the Nation's resolve and capacity for meeting the challenges of the 20th century.

The movement for congressional reform is not part of any plot to downgrade and discredit Congress, as some of the defenders of the status quo have charged. Such charges are the ultimate in confusion between cause and effect. Congress is being discredited not by those working for reform, but by daily evidence of its incompetence for creative and responsible decisionmaking, by repeated exposures of conflicts of interest and other abuses, by its inability to deal efficiently even with the most routine house-keeping responsibilities.

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in Government and congressional offices, and hear lectures and discussions by men responsible for the Nation's affairs. At the same time, they will be satisfying the requirements of the planned course of study in political science in which they are enrolled. They will attend seminars, read books and write reports.

Colgate's first Washington Study Group arrived in the Capital in September 1935. Franklin D. Roosevelt was then serving his first term as President. Joseph W. Byrns of Tennessee led the House of Representatives; John Garner of Texas presided over the Senate.

Abroad, the storm clouds were gathering. One month after the Colgate students settled in Washington, Italy invaded Ethiopia. Still, the United States clung to its hope that foreign troubles need not impinge upon domestic concerns. At home the headline news concerned the deaths of Will Rogers and Wiley Post that August, and the assassination of Huey Long early in September.

The members of this year's study group live in a world far removed from that of 1935. They will be studying a different kind of governmental process in a Washington that has changed its character. Essentially, however, their purpose remains the same as their predecessors—to apply their theoretical knowledge of the functions of Government to what they observe firsthand.

In Washington with the 1954 study group are: Robert E. Elder, Jr., Hamilton, N.Y.; Jack F. Fallin, Warren, Pa.; Stephen A. Glasser, Grosse Pointe Woods, Mich.; Philip C. Johnston, Bellaire, Ohio; Farhad Kazemi, Teheran, Iran; Donald H. Messinger, Clyde, N.Y.; Arnold Raphael, Troy, N.Y.; Wayne A. Rich, Charleston, W. Va.; David A. Rosenbloom, Albany, N.Y.; Charles Tantilillo, Garfield, N.J.; and Edward M. Zachary, Queens Village, N.Y.

Young Elder is the son of Colgate Prof. Robert E. Elder who followed Professor Jacobsen as director of the Washington study group from 1952 to 1963. Raphael is a student of Hamilton College, and joins the Colgate group as a result of efforts toward increasingly close cooperation between the two colleges. The one foreign student, Farhad Kazemi of Iran, will add a useful perspective to the study sessions.

Kazemi will not be the first foreign student to participate in a study group. In the spring of 1952, 10 German university students accompanied the Colgate group to Washington and returned saying they had learned more about government in the United States than they had ever known about their own country.

"In 1964," says Mr. Rasmussen, "the group will be in Washington at a particularly significant period in the Nation's history. Because of the fragile event of last fall, the students will have an opportunity to see how the orderly transfer of governmental responsibilities is being effected. They will also be on the Capital scene at a time when the struggle for civil rights is reaching a climatic point.

The silver anniversary of the Washington study group is especially significant because it marks the end of the teaching career of Paul Jacobsen, founder of the group, who will retire on July 1, 1964.

Twenty-five successful semesters in Washington have served to effectively demonstrate the value of this particular off-campus study group. Colgate can be proud of Professor Jacobsen and the accomplishments of these 25 groups.

#### SECRETARY McNAMARA AGREES TO CALL IT HIS WAR

Mr. MORSE. Mr. President, I ask unanimous consent that there be printed in the Record an article, from today's

New York Times the headline of which reads as follows:

McNamara Agrees To Call It His War—Secretary, Firm on Vietnam, Accepts MORSE'S Label.

There being no objection, the article was ordered to be printed in the Record, as follows:

McNAMARA AGREES TO CALL IT HIS WAR—SECRETARY, FIRM ON VIETNAM, ACCEPTS MORSE'S LABEL

WASHINGTON, April 24.—Secretary of Defense Robert S. McNamara said today that he did not mind if the fighting in Vietnam was termed "McNamara's War."

Senator WAYNE MORSE, Democrat, of Oregon, who renewed his attack on U.S. policy in South Vietnam in a Senate speech, has been calling it McNamara's war.

Senator MORSE has objected especially to the U.S. commitment to continue supporting the Vietnamese forces as long as it takes to defeat the Communist Vietcong insurgents.

"I have a high regard for Senator MORSE, but not in this respect," Mr. McNamara said at a news conference. "This is a war of the U.S. Government.

"I am following the President's policy and obviously in close cooperation with the Secretary of State.

"I must say," the Secretary continued, "I don't object to its being called McNamara's war. I think it is a very important war and I am pleased to be identified with it and do whatever I can to win it."

#### MORSE PRESSES ATTACK

In a lengthy floor speech, Senator MORSE charged that the U.S. participation in the war in Vietnam was "illegal and a menace to the American Nation."

He cited the Geneva accords of 1954, which the United States did not sign but agreed to observe. The accords, in addition to other provisions, provided for the partition of Vietnam and limited the amount of outside military assistance that could be brought into the area.

Mr. MORSE said that the United Nations Charter covered threats to the peace and that disputes should be turned over to the world body. The fighting in Vietnam is a "matter for the U.N., not for the U.S. Air Force or the American Secretary of Defense to handle as they see fit," he said.

"Aside from the illegality of our intervention, there is the sheer stupidity of a unilateral American land war in Asia whose only promise is to bog us down there indefinitely," the Senator declared.

Mr. McNamara, at his news conference, conceded that the fighting in South Vietnam had flared considerably since Maj. Gen. Nguyen Khanh took over the Government.

The Secretary attributed it to the many changes that have been made in the regime, not only by General Khanh but by his predecessors who also took power in coups d'état. "As you can well imagine, this has created disorder," the Secretary said. "There has been a vacuum. Into that vacuum the Vietcong have penetrated. Their rate of activity has increased dramatically, as has their fatality rate.

"If I remember the figures, they lost about 650 men killed or taken prisoner during the past week. That is, I think, the highest total in the last 2 or 3 years.

"The Government forces have been under considerable pressure as a result of the increased level of Vietcong attacks. They have also responded with amazing speed and effectiveness. Their fatalities, however, and their casualties have been high; again, the highest in the last 2 years.

"I think it will be several months before we see any substantial progress."

Mr. McNamara said he still believed in ultimate victory. In response to questions,

he repeated the administration's view opposing direct U.S. intervention.

"The situation is one that the South Vietnamese themselves must solve," he said.

Mr. McNamara said the appointment of Maj. Gen. Richard G. Stillwell as Chief of Staff of the Military Assistance Command in South Vietnam was not related to the possible replacement of Gen. Paul D. Harkins, the commander, but was part of a reorganization to increase effectiveness.

#### FELT VOICES OPTIMISM

On Capitol Hill, Adm. Harry D. Felt, commander of the U.S. forces in the Pacific, expressed optimism on the ultimate outcome of the war in South Vietnam. He testified in behalf of the administration's military assistance program.

Admiral Felt spoke in closed session before the House Foreign Affairs Committee, but some of his observations were made public.

He said it was comforting that the situation in South Vietnam had "not gotten out of hand despite a deterioration during the past year." The South Vietnamese fighting forces are improving in their tactics and effectiveness, he declared.

In previous testimony made public today, William P. Bundy, Assistant Secretary of State for Far Eastern Affairs, assured the committee that the recommendations of Ambassador Henry Cabot Lodge were being carefully heeded.

"I can say there are no recommendations that he has made that are not being carried out fully at the present time," Mr. Bundy said.

At one point in the hearing, which took place April 7, Representative WAYNE HAYS, Democrat, of Ohio, asserted that the U.S. policy in South Vietnam had been a "complete failure."

"I dispute that completely," Mr. Bundy retorted.

Mr. MORSE. Mr. President, let me say good-naturedly that the Secretary let down some of his apologists in the Senate who have objected to my calling the unilateral U.S. military action in South Vietnam what it truly is—McNamara's war. But it has been McNamara's war, because he has prepared the blueprints for this unjustifiable American military action, as I have said over and over again, and I repeat now.

According to the article, the Secretary stated:

I am following the President's policy and obviously in close cooperation with the Secretary of State.

I must say I don't object to its being called "McNamara's war." I think it is a very important war and I am pleased to be identified with it and do whatever I can to win it.

Well, at long last, we have smoked him out. We now have an admission from the Secretary of Defense that this Nation is engaged in war.

I ask the Secretary of Defense, I ask the Secretary of State, I ask the President: When are you going to ask for a declaration of war? I say from the floor of the Senate that the killing of American boys in South Vietnam cannot be justified, except on the basis of a declaration of war. I charge that McNamara's war stands today an unconstitutional war. It is now up to the President, the Secretary of State, and the Secretary of Defense to send to Congress a declaration of war proposal. They should ask for constitutional approval of the killing of American boys in McNamara's war. The American people are overwhelmingly

against the war, I am sure. The people are right.

Parenthetically, I have another suggestion to make, I say to the Secretary of State, with regard to the Cuban crisis: I think the way to counteract the Cuban protest to the United Nations on the U-2 crisis is for the United States to serve notice on the Secretary General of the United Nations that we are perfectly willing to meet the Cuban demand to have a full and fair airing in the United Nations of our position on the U-2 flights. If it turns out that we are violating international law by U-2 flights over Cuba, we should be willing to adjust our policy accordingly. Incidentally, Cuba is a sovereign power, because, under international law, that is as true of Communist nations as it is of any other nation. I have no doubt we would adjust our Cuban policies to the findings of the United Nations. I quite agree that there should come through the United Nations a finding as to whether the U.S. U-2 flights over the sovereign nation of Cuba are justified. I have no doubt what would happen if a Cuban U-2-type plane flew over Texas, Florida, or any other part of the United States. It would be shot down, as would a Russian or any other foreign U-2-type plane.

As chairman of the Subcommittee on Latin American Affairs, I state that the probability is that a *prima facie* case exists against the United States in the flying of U-2 planes over a sovereign territory, even though it is Communist Cuba. I abhor the government of Cuba; but as in South Vietnam, I would have my country stay within the framework of international law. I know it is outside the framework of international law in South Vietnam, and I think a *prima facie* case exists against us in respect to U-2 flights over Cuba. Furthermore those flights are not necessary to protect the security of the United States. They are undoubtedly a convenient surveillance technique for obtaining spying information quickly. However, we all know that Cuba cannot succeed in building up any aggressive military preparations without our knowing it. Also we all know that any time Cuba crosses the line of justifiable national defense, and enters the area of aggression, we can and will protect our security immediately by an attack so quickly and devastatingly that Cuba will be completely destroyed as a military threat.

Right now we have a great opportunity to demonstrate to all the world that we seek peaceful procedures for the settlement of international disputes by welcoming a United Nations review of the justification, if any, under international law of United States U-2 flights over Cuba.

#### UNEASINESS IN GERMANY

Mr. JAVITS. Mr. President, the people of West Germany are uneasy about the course of U.S. foreign policy in Europe. The Senate speech by the Senator from Arkansas [Mr. Fulbright] and the recent statements by President Johnson and Chairman Khrushchev have caused the people of West Germany to become

apprehensive that we may be considering our policy of protecting the integrity and security of West Berlin and our support of their hope for the ultimate reunification of Germany.

They must be reassured that our policy has not changed. President Johnson's speech in New York, last Monday, before the Associated Press, should have given this assurance; but this is a subject of such great concern to West Germany that we must make especially sure that there is no question about our policy toward that nation.

This was made clear last Tuesday—after the President's foreign policy speech had been read by the Germans—when Dr. Heinrich Krone expressed the uneasiness which prevails in West Germany regarding possible United States-Soviet agreements on matters of vital concern to Germany.

Dr. Krone, chairman of the National Defense Council of the West German Cabinet, and an influential member of the Christian Democratic Party said:

The impression should not arise that the defensive strength and will to defense of the West is weakening. This means that the leading power of the West, which alone by virtue of its nuclear weapons can present a completely effective deterrent, must not dismantle its troop presence in Europe rapidly or in a conspicuous way.

This uneasiness, in part, stems from the implications left by Senator Fulbright's now-famous "myths and realities" speech. The principal ideas of that speech were that U.S. diplomacy is, to a large and dangerous degree, based, not on the facts of international life, but on its "myths"; that the United States should recognize that the U.S.S.R. has "ceased to be totally and implacably hostile to the West," and that we must make a distinction between "communism as an ideology and the power and policy of the Soviet state," if we are to deal with the Soviet Union effectively.

The straightforward application of these ideas to the German situation, would require, in my view, the abandonment of the cold realities upon which our policies are, and have been, based, and the substitution of new principles based on a myth. We must remember that if changes within the Soviet bloc call for reconsideration of our European policy, they certainly dictate that our German policy—which is central to our European policy—must be reexamined and adjusted. But there is no evidence whatever that the current thaw in East-West relations has had any impact on the Soviet Union's position on German reunification or related issues. The Soviets consider a weak and neutral Germany essential to their security.

The Soviet formula for reunification, which has been unacceptable to us all along, calls initially for a provisional government for all Germany, composed of representatives of the existing states. This government would set election laws and hold a nationwide election if all parties agree that the new nation would remain neutral. The Soviets have two objectives in adhering to this plan. They want to give the East German government equal status to the freely elected

West German Government, and they want to neutralize Germany permanently.

Other than reunification, their plan for Germany would require West Berlin to become a demilitarized "free city" within East Germany, and would establish the Oder-Neisse line as the permanent border between East Germany and Poland. To this day, this constitutes the official position of the Soviet Government.

In contrast, our policy regarding Germany continues to call for reunification as the result of free elections throughout Germany. We feel that the resulting government should sign a peace treaty and should decide whether to form alliances with any foreign state. We have pledged ourselves to defend Berlin from forcible incorporation into East Germany, and to settle its status peacefully, only as part of an all-German settlement. We have also said that the permanent border between Germany and Poland should be decided by a future peace treaty, and that we would give full support to the political, economic, and military integration of Germany into Western Europe.

It is understandable, then, that the speech of the Senator from Arkansas [Mr. Fulbright], coupled with the statements of President Johnson and Chairman Khrushchev in connection with the reduction of the production of fissionable materials, has caused considerable uneasiness in West Germany. Yet, while the West German Government acknowledged the desirability of the reduction of production of fissionable materials, many West Germans fear that the *détente* called for by the Senator from Arkansas [Mr. Fulbright] may mean recognition of the status quo in Germany, a willingness on the part of the United States to recognize the East German Government, and the "defusing of the Berlin bomb" at West Germany's expense.

These fears are unjustified. The United States considers its relations to the people and Government of West Germany a key element of our European policy. President Johnson made our position entirely clear on this point, after his meeting with Chancellor Ludwig Erhard last December. In their communiqué, the two leaders agreed that "there should be no arrangement that would serve to perpetuate the status quo of a divided Germany, one part of which is deprived of elementary rights and liberties."

They also reaffirmed the "commitment to the peaceful reunification of the German people in freedom, by self-determination."

The President also reassured the Chancellor that the United States would continue to meet its commitments in Berlin.

In his speech to the Associated Press, the President reaffirmed the continued adherence of the United States to time-tested foreign policy principles which have been upheld under four Presidents because they reflect the realities of our world and the aims of our country. We must be alert to shifting realities, to emerging opportunities, always alert to fresh dangers. But we must not mistake